

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

ROBERT F. KENNEDY, JR.,)	
)	Case No.
)	1:23-cv-00487
Plaintiff,)	
)	
vs.)	
)	
DAVID VICKREY,)	
)	
Defendant.)	
)	

**PLAINTIFF’S MOTION TO EXTEND TIME TO FILE A NOTICE OF
APPEAL OF THIS COURT’S FINAL JUDGMENT**

[Plaintiff’s Opposition to Defendant’s Motion to Strike Notice of Appeal filed
concurrently]

Pursuant to Federal Rules of Appellate Procedure Rule 4(a)(5)(A), Plaintiff Robert F. Kennedy, Jr., hereby moves for an order extending the time to file a notice of appeal of this Court’s final judgment entered January 22, 2024, granting Defendant David Vickrey’s Motion to Dismiss and denying Plaintiff’s motion for evidentiary hearing and jurisdictional discovery (hereinafter the “Judgment”). (D.E. 21 and 22).

The grounds for this motion are that the late filing of the subject Notice of Appeal was due to excusable neglect and good cause. In support of this motion, Plaintiff relies upon and incorporates herein by reference his accompanying Memorandum of Law.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Enter an order extending the deadline to file a notice of appeal of the Judgment to either March 22, 2024, or 14 days after the date the order granting this motion is entered, whichever is later; and
2. Grant any other relief deemed fair or just.

STATEMENT OF CONCURRENCE
[Local Rule 7.1(c)]

The undersigned hereby affirms that, after consultation with counsel for the other parties to this action, the parties are unable to reach an accord as to the issues raised by the within motion.

On or about March 6, 2024, counsel for the moving Plaintiff emailed counsel for the Defendant in this action, setting forth the grounds for this motion and asking whether it would be opposed. Counsel for Defendant responded to said email the same day, stating: “We do not assent” to the within motion.

s/Robert E. Barnes
Robert E. Barnes

DATED: March 7, 2024

Respectfully submitted,
Robert F. Kennedy, Jr.

/s/ Robert E. Barnes
Robert E. Barnes, Esq. (*pro hac vice*)
BARNES LAW
700 South Flower Street, Suite 1000
Los Angeles, CA 90017
(310) 510-6211 (tel)
robertbarnes@barneslawllp.com

/s/ Jason M. Sullivan
Jason M. Sullivan
Law Office of Jason M. Sullivan, PLLC
One New Hampshire Avenue
Suite 125
Portsmouth, NH 03801
(603) 433-1325 (tel)
(603) 436-7388 (fax)
jsullivan@lojms.com
NH Bar No: 14360

Attorneys for Plaintiff

///

///

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT I, ROBERT E. BARNES, am a citizen of the United States and am at least 18 years of age. My business address is 700 South Flower Street, Suite 1000, Los Angeles, California 90017.

I am not a party to the above titled action. I have caused service of this document(s) filed through the ECF system sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below:

Brian Andrew Suslak
Morrison Mahoney LLP
650 Elm St, Ste 201
Manchester, NH 03101
603-622-3400
Email: bsuslak@morrisonmahoney.com

Jason M. Sullivan
Law Office of Jason M. Sullivan, PLLC
One New Hampshire Avenue
Suite 125
Portsmouth, NH 03801
(603) 433-1325 (tel)
(603) 436-7388 (fax)
jsullivan@lojms.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 7, 2024.

/s/ Robert E. Barnes
ROBERT E. BARNES